

T.D. INFORMAL MEMO

DATE: 8/28/12

TO: Examiner: Licei

Appl. S.N.: 09/771882

FROM: B. Ley, Paralegal

Art Unit: (3712)

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 8/28/12

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant about the T.D. If you disagree with my analysis or have any Q's at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT SHOULD NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE IN THE APPLICATION FILE. WHEN YOUR ACTION IS DONE, YOU SHOULD INITIAL AND & RETURN THIS MEMO TO ME.

The T.D. is PROPER and has been recorded. (See 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason (s) checked below. (See 14.24):

- The recording fee of \$ \_\_\_\_\_ has not been submitted nor is there any authorization in the application file for the use of a deposit account. (See 14.25).
- The T.D. does not satisfy Rule 321(b) (3) in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (See 14.26 and 14.26.1).
- The T.D. lacks the enforceable only during the common ownership clause - needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.1).
- It is directed to a particular claim or claims, which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted."(MPEP 1490) (See 14.26, 14.26.2).
- The person who signed the terminal disclaimer:
  - has failed to state his/her capacity to sign for the business entity (See 14.28).
  - is not recognized as an officer of the assignee (See 14.29 and possibly 14.29.1).
- No documentary evidence of a chain of title from the original inventor (s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office. 37 CFR 3.73 (b).  
See 1140 O.G. 72.  
NOTE-This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper submitted by applicant (See 14.30).
- No "statement" specifying that the evidentiary documents have been reviewed and that to the best of the assignee's knowledge and belief title is in the assignee seeking to take action. 37 CFR 3.73 (b). See 1140 O.G. 72.  
NOTE-This "statement" may be found in the T.D. or in a separate paper signed by the assignee. (See 14.31).
- The T.D. is not signed. (See 14.26, 14.26.3).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect. (See 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.5).
- The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3).
- Other:

Suggestion to request refund (See 14.36). (NOTE-if authorized, credit refund to deposit acc't and do NOT check this item.)

I have appropriately notified applicant (s) about the T.D. filed in this case.  
Ex. initials and date: \_\_\_\_\_

Rev. 3/4/94

DO NOT PROVIDE THIS MEMO TO APPLICANT;  
MUST BE RETURNED TO THE GROUP PARALEGAL